

**PLURALISM AND SOCIAL JUSTICE IN PANCASILA
DEMOCRACY: BETWEEN IDEALS AND REALITY**

***MENGGAPAI KEADILAN SOSIAL BERDASARKAN DEMOKRASI
PANCASILA: ANTARA CITA-CITA DAN REALITAS***

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ABSTRACT

The Reform Era, which began with the fall of the Suharto regime in 1998, marked a shift towards a democratic system of governance. This system is considered suitable for Indonesia's highly pluralistic society. However, in practice, pluralism often serves merely as a rhetorical slogan to reinforce Indonesia's national unity. The dominance of fundamentalist groups remains a significant challenge to democracy, as evidenced by various cases, including obstacles to the construction of places of worship, difficulties in civil registration for adherents of Indigenous beliefs, and the requirement for students practicing indigenous faiths to choose an officially recognized religion in the formal education system. Using a conceptual and descriptive approach, this study examines the concept of social justice within Pancasila democracy and explores efforts to achieve it. The findings indicate that social justice in Pancasila democracy is reflected in fulfilling individuals' right to develop their potential and meet their basic needs. This aligns with the national development goals outlined in the Preamble of the 1945 Constitution, which aims to promote general welfare and advance national intelligence. Achieving social justice within Pancasila democracy requires collective awareness of the importance of coexistence in diversity. This awareness can be fostered through participatory development models that engage all societal sectors, ensuring that development is not solely the government's

responsibility. From a legal perspective, the construction of laws must be oriented towards social integration within Indonesia's plural society.

Keywords : Social Justice, Pancasila Democracy, National Development.

ABSTRAK

Era Reformasi yang dimulai dengan runtuhnya rezim Soeharto pada tahun 1998 menandai pergeseran menuju sistem pemerintahan demokratis. Sistem ini dianggap sesuai dengan kondisi masyarakat Indonesia yang plural. Namun, pada kenyataannya, pluralisme sering kali hanya menjadi slogan untuk membingkai Indonesia sebagai negara kesatuan. Dominasi kelompok fundamentalis masih menjadi tantangan dalam praktik demokrasi, seperti terlihat dalam berbagai kasus, termasuk hambatan pembangunan rumah ibadah, kesulitan pendaftaran administrasi kependudukan bagi kelompok penghayat kepercayaan, serta kewajiban memilih salah satu agama dalam sistem pendidikan formal bagi mereka yang menganut kepercayaan lokal. Dengan menggunakan pendekatan konseptual dan deskriptif, penelitian ini menggali lebih dalam konsep keadilan sosial dalam demokrasi Pancasila serta upaya pencapaiannya. Hasil pembahasan menunjukkan bahwa keadilan sosial dalam demokrasi Pancasila tercermin dalam pemenuhan hak setiap individu untuk mengembangkan potensinya guna memenuhi kebutuhan hidupnya. Hal ini sejalan dengan tujuan pembangunan nasional sebagaimana tertuang dalam Pembukaan UUD 1945, yaitu memajukan kesejahteraan umum dan mencerdaskan kehidupan bangsa. Untuk mewujudkan keadilan sosial dalam demokrasi Pancasila, diperlukan kesadaran kolektif tentang pentingnya hidup bersama dalam keberagaman. Kesadaran ini dapat diwujudkan melalui model pembangunan partisipatif yang melibatkan seluruh lapisan masyarakat, sehingga pembangunan tidak hanya menjadi tanggung jawab pemerintah. Dari aspek hukum, diperlukan pembangunan hukum yang berorientasi pada integrasi sosial dalam masyarakat yang plural.

Kata Kunci : Keadilan sosial, Demokrasi Pancasila, Pembangunan nasional.

I. INTRODUCTION

The Reform Era, which began with the collapse of the Suharto regime in 1998, began to be echoed with ideas about a democratic system of government. The democratic system that wants to restore the highest sovereignty is in the hands of the people. Establishing this democratic system of government cannot be separated from the principles of the rule of law.

Characteristics of the State of Good Law, according to Stahl¹ or A.V. Dicey², prioritize the legal protection of human rights and people's sovereignty. The democratic state is built on a foundation of agreement with a group of people about the ideal state-building. A perfect state is indispensable to protect the interests of this group of people.³

Indonesia has firmly stated that it is an obedient and subject country to the law by regulating it in Article 1, paragraphs 2 and 3 of the 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated as the 1945 Constitution). Indonesia is a unitary state in the form of a republic based on the principle of people's sovereignty and is subject to the law. This sovereignty is not only on a group in Senayan as people's representatives or holding positions in government departments.⁴ Democracy is also not said to mean that every policy made by the government is said to be valid if all its people participate in formulating it.⁵

The history and development of democracy in Indonesia from the beginning of independence until now is very complex. There are four versions of democracy in Indonesia that have been passed, namely liberal democracy (in the early days of independence), guided democracy (the era of Suharto's leadership), Pancasila democracy (the era of Suharto's leadership), and democracy in the current transitional period.⁶ The Indonesian state is still looking for the correct concept of democracy, following Pancasila as the ideology and basis of the state. As a mission to embody the mission of humanity and people's sovereignty as a whole, the idea of democracy and democratization in Indonesia continues to roll in line with the development of Indonesia's political dynamics.⁷

People's sovereignty is a democratic government where the people's opinion about justice is the source or basis of power, and cooperation is needed to realize it.⁸ The people hold full power to advance their country by entrusting the power to a body called the government. Thus, every public policy made by the government comes from the people.

The Indonesian state has tried to implement people's sovereignty and democracy. Ivor Jennings in Robert A. Dahl said that democracy is defined as

¹ Jimly Asshiddiqie, *Konstitusi & Konstitusionalisme Indonesia*, Pertama (Jakarta: Mahkamah Konstitusi Republik Indonesia dan Pusat Studi Hukum Tata Negara Fakultas Hukum Universitas Indonesia, 2004), 122.

² A. V. Dicey, *Introduction to the Study of the Law of the Constitution*, 10th ed. (London: Macmillan Education LTD, 1959).

³ William G Andrews, *Constitutions and Constitutionalism*, 3rd ed. (New Jersey: Van Nostrand Company, 1968), 9.

⁴ Desriadi, "Demokrasi Dan Pemerintahan," *Jurnal Siasat* 10, no. 1 (2016): 34–44.

⁵ Desriadi.

⁶ H. Nihaya M, "Demokrasi Dan Problematikanya Di Indonesia," *Sulesana* 10, no. 2 (2016): 35–49.

⁷ H. Nihaya M.

⁸ Mohammad Hatta, *Bung Hatta Penegak Demokrasi, Politik & Ekonomi Bangsa Indonesia* (Jakarta: Yayasan Idayu, 1980), 26.

the people's government by the people and for the people and the government with the people in organizing the state.⁹ Furthermore, Robert A. Dahl added that a system is democratic if it meets the prerequisites, including accountability, power rotation, open political recruitment through elections, and fundamental rights.¹⁰ Elections are a mechanism carried out to determine the change of government, where the people are directly involved in electing people's representatives in parliament and also national and regional leaders. The euphoria of direct democracy felt by all Indonesian citizens occurred during the election in 1999. This is evidenced by the number of political parties founded based on religious ideology and narrow primordialism. Until the 2014 elections, with the election of President Joko Widodo and Vice President Jusuf Kalla, it became a milestone in the history of Indonesian democracy.

Democracy in Indonesia has begun to refer to the direction of substantial democracy, which is not only marked by the absence of democratic institutions (parliaments, political parties, elections, and so on) and procedures. Civilized attitudes among political actors and civil society must also characterize substantial democracy. The purpose of democracy is to balance the fulfillment of political and economic rights based on the values and principles of justice and togetherness of all Indonesian citizens. Both components should realize this goal to achieve substantial democracy. This is in line with Sydney Hook, who argues that democracy is a form of government in which important government decisions are directly or indirectly based on the agreement of the majority freely given by the adult people.¹¹

Democratization is one of the characteristics of civil society, and several other characteristics are a *free public sphere*, tolerance, pluralism, *social justice*, social participation, rule of law, community development, advocacy for people to defend their rights, and an interest group or pressure group.¹² As described by Sydney Hook, the majority agreement denies the characteristics of civil society in Indonesia. Indonesia is a unitary country with the pluralism that recognizes and accepts the reality of a pluralistic society accompanied by a sincere attitude.

However, pluralism is only a "decoration" and a slogan to frame Indonesia as a Unitary State. Many cases and phenomena in society relate to the dominance of fundamentalist groups in Indonesia. In September 2010, there

⁹ Robert A. Dahl, *On Democracy* (New Delhi: Affiliated East-West Ltd, 2001), 8.

¹⁰ Dahl, 3.

¹¹ Ansori, "PENGHILANGAN HAK POLITIK PERSPEKTIF SISTEM DEMOKRASI," *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan* 1, no. 1 (June 26, 2016): 7–11, <https://doi.org/10.17977/um019v1i12016p007>.

¹² Luthfi J Kurniawan and Hesti Puspitosari, *Negara, Civil Society, Dan Demokratisasi Membangun Gerakan Sosial Dan Solidaritas Sosial Dalam Merebut Perubahan*, Cetakan Ke-3 (Malang: Intrans Publishing, 2016), 29–30.

was news informing about the rejection of houses of worship, more precisely, four churches (Yasmin Bogor Indonesian Christian Church, HKBP Pangkalan Jati Gandul Cinere Depok Church, HKBP Filadelfia Tambun Bekasi Church, and Santa Maria Bukit Indah Purwakarta Catholic Church) which were by the licensing and Ministerial Joint Regulation (*Peraturan Bersama Menteri*).¹³ Subsequently, in December 2012, the houses of residents were sealed, which were used as houses of worship by the masses from the Islamic Defenders Front (FPI), the Muslim Ummah Forum (FUI), and the Islamic Reform Movement (Garis).¹⁴ Subsequently, in June 2012, around 20 churches in Aceh were sealed and threatened to be demolished because the Governor's Regulation Number 25 of 2007 concerning Guidelines for the Establishment of Houses of Worship was heavier than the Joint Decree (SKB) of the two ministers which also regulated the same thing.¹⁵ Still related to the construction of churches and houses of worship, the same incident occurred in Sleman in June 2014. A resident named Nico Lomboan, who has donated his residence for a house of prayer, has experienced problems for three years and constantly changes places.¹⁶ The National Commission on Human Rights, through Imdadu Rahmat, said that until September 2016, it had handled 97 complaints about the construction of Christian, Catholic, and mosque churches. He also argued that some religious people in Indonesia tend to accept the same as themselves, called haemophilia.¹⁷

Discrimination by fundamentalist groups does not only occur in the house of worship sector but also other sectors related to population administration and access to education. Several local religions exist in Medan, North Sumatra, such as Parmalim, Ugamo Bangsa Batak, Pemena, Habonaro Do Bona, etc.¹⁸ The community of local religious believers in Medan often still feels discrimination related to population administration and access to

¹³ Kompas Cyber Media, "Penolakan Tempat Ibadah Bermunculan," KOMPAS.com, September 21, 2010, <https://nasional.kompas.com/read/2010/09/21/18332936/~Megapolitan~News>.

¹⁴ Kompas Cyber Media, "Dijadikan Gereja, Tujuh Rumah Disegel," KOMPAS.com, December 12, 2010, <https://lifestyle.kompas.com/read/2010/12/12/13573362/~Regional~Jawa>.

¹⁵ Kompas Cyber Media, "20 Gereja di Aceh Disegel dan Terancam Dibongkar," KOMPAS.com, June 12, 2012, <https://regional.kompas.com/read/2012/06/12/12241130/~Regional~Sumatera>.

¹⁶ Eko Ari Wibowo, "Umat Kristen Sleman Empat Kali Berpindah Tempat - Nasional Tempo.Co," Tempo.co, accessed November 16, 2023, <https://nasional.tempo.co/read/581839/umat-kristen-sleman-empat-kali-berpindah-tempat>.

¹⁷ Kukuh S. Wibowo, "Komnas HAM Terima 97 Laporan Soal Pembangunan Rumah Ibadah," Tempo, September 10, 2016, <https://nasional.tempo.co/read/803307/komnas-ham-terima-97-laporan-soal-pembangunan-rumah-ibadah>.

¹⁸ Kompas Cyber Media, "Kisah Penganut Agama Leluhur Batak yang Terasing di Negeri Sendiri," KOMPAS.com, May 24, 2016, <https://regional.kompas.com/read/xml/2016/05/24/08191341/kisah.penganut.agama.leluhur.batak.yang.terasing.di.negeri.sendiri>.

education. For the management of Identity Cards (KTP) and Family Cards (KK), they must choose one of the religions recognized by the government to make the management process more straightforward. In terms of education, children who adhere to this sect of believers are also told to take part in other religious education. The same thing was also raised by Mubarak, Head of the Center for Religious Harmony of the Ministry of State, that the status of religious streams outside the six religions recognized by the government are allowed to live but do not receive facilities from the government-related to their civil rights (e.g., education, marriage, funeral).¹⁹

Another discrimination in the world of education for marginalized communities believers was felt by Zulfa Nur Rahman, a grade XI student of State Vocational High School 7 Semarang.²⁰ Zulfa, who is a believer in this belief, must fill in the religion column with Islam to be able to attend education at the school, even though he is a believer every day. Zulfa did not move up to class XII because he did not fill in his identity as a follower of Islam. The same thing was also felt by a junior high school student in Banyuwangi, but the difference is that the student is not a religious believer who is a non-Muslim. The discrimination she felt was related to the obligation to wear hijab for all students of the 3 Genteng State Junior High School.²¹

Therefore, the author wants to dig deeper into the concept of social justice in the Pancasila democratic system. The questions that will be answered in this paper include: what is the character of justice achieved in a democratic country? How can social justice be achieved in Indonesia's Pancasila democratic system? The questions in this article will be explored conceptually regarding the relationship between democracy and justice. The deepening of this concept will be carried out through a critical approach to justice in the democratic system itself. So, by deepening the concept, it will be brought to dig deeper into the idea of social justice in Pancasila values.

II. METHOD

This study uses a normative legal research method with a conceptual approach and a legal and regulatory approach. Normative law research examines the applicable legal norms and how these norms interact in specific

¹⁹ Kompas Cyber Media, "Kemenag: Aliran Kepercayaan Dibiarkan Hidup, tetapi Pemerintah Tak Beri Servis," KOMPAS.com, November 10, 2014, <https://nasional.kompas.com/read/xml/2014/11/10/17411001/Kemenag.Aliran.Kepercayaan.Dibiarkan.Hidup.tetapi.Pemerintah.Tak.Beri.Servis>.

²⁰ Raihul Fadji, "Tolak Ikut Pelajaran Agama, Siswi SMK Ini Tak Naik Kelas," Tempo, July 26, 2016, <https://nasional.tempo.co/read/790634/tolak-ikut-pelajaran-agama-siswi-smk-ini-tak-naik-kelas>.

²¹ Kompas Cyber Media, "Ada Diskriminasi Terhadap Siswi Non Muslim di Banyuwangi, Bupati Anas Marah," KOMPAS.com, July 16, 2017, <https://regional.kompas.com/read/2017/07/16/23005061/ada-diskriminasi-terhadap-siswi-non-muslim-di-banyuwangi-bupati-anas-marah>.

social and political contexts²². A conceptual approach is used to analyze the concept of social justice in Pancasila democracy by referring to the theories of justice and democracy in the Indonesian legal system²³. The approach to laws and regulations is used to examine various legal provisions that regulate the rights of indigenous groups and believers in the context of Pancasila democracy, such as the 1945 Constitution of the Republic of Indonesia and laws and regulations related to the protection of civil rights and freedom of religion.

The data in this study was obtained through a literature study by examining various primary, secondary, and tertiary legal sources. Primary legal sources include the Constitution and relevant laws and regulations. Secondary legal sources include academic literature, scientific journals, and previous research results discussing social justice, pluralism, and Pancasila democracy. Meanwhile, tertiary legal sources include legal dictionaries and legal encyclopedias that support understanding the concepts studied²⁴. The analysis in this study is carried out qualitatively by interpreting legal norms and their relevance to existing social realities. Thus, this research aims to deeply understand how social justice can be realized in Pancasila democracy through a legal approach and community participation.

III. ANALYSIS AND DISCUSSION

a. Foundations of Theoretical Thinking

Justice is always closely related to the law. This idea of law and justice can be seen from Aristotle's thought, which states that justice is a reflection of *eidos* (Typical Expression of Cognitive or Intellectual, Cultural or Social Character) within the framework of *the polis* and then separates punitive justice and distributive justice. According to Aristotle, justice is the most crucial principle because it is relevant to a reciprocal relationship between human beings who live together in *a policy* to meet the needs of life humanely.²⁵ Aristotle's opinion was later developed by Thomas Aquinas, who stated that justice is a virtue that applies to the public and has the function of achieving what is called *bonum commune* or suitable for all.²⁶

The opinions of Aristotle and Thomas Aquinas were then criticized by Hans Kelsen, who argued that the meaning of law must be distinguished from the sense of justice, which is a philosophical problem and not a legal problem. Hans Kelsen talked about justice as a value that has become a *grundnorm*, a

²² Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi* (Jakarta: Kencana, 2017).

²³ Satjipto Rahardjo, *Membedah Hukum Progresif* (Jakarta: Penerbit Buku Kompas, 2006).

²⁴ Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat* (Jakarta: Rajawali Press, 2009).

²⁵ Budiono Kusumohamidjojo, *Teori Hukum Dilema Antara Hukum Dan Kekuasaan*, Cetakan I (Bandung: Yrama Widya, 2016), 10–11.

²⁶ Budiono Kusumohamidjojo, 273.

field of philosophical study. Justice is a matter of moral philosophy in human relations, not law. Meanwhile, legal problems as a science are social engineering problems, not moral problems. According to Hans Kelsen, the norm of justice is then based on Plato's idealism in the teachings of natural law, which implies dualism in the norm of justice, namely the norm of justice that *is transcendental* and justice that comes from the wise human intellect. So, according to him, justice is born from positive laws established by humans based on a *grundnorm* that is the moral basis of positive laws.²⁷

The latest thinking related to justice is also given by John Rawls, a philosopher from America with a concept he calls *justice as fairness*. He explained *justice as fairness* as *the principles that rational and free persons concerned with furthering their own interest would accept in an initial position of equality as defining the fundamentals of the terms of their association*.²⁸ According to Rawls, justice needs balance, proportionality, and harmony between personal and community interests, including the state. Justice is an absolute value that cannot be negotiated so that there is a guarantee of stability and peace in human life. In this case, the law must guide people to take a position while still paying attention to their individual interests. The law must be able to favor those who do not get justice, the marginalized.²⁹

General principles offered by Rawls³⁰ What requires man to be in an innate position is that all social values—freedom and opportunity, income and wealth, and the base of self-esteem- must be distributed equally. When the distribution of these social values is unequal, it is only allowed if it benefits the most disadvantaged people. Based on these general principles, Rawls formulated two principles of justice, namely (1) Everyone has the same right to the broadest fundamental freedom, the exact extent of freedom for all; (2) Next is the principle of difference and equality of opportunity.

The purpose of Rawls's theory of justice is to focus on a series of general principles of justice that underlie and explain various moral decisions that originate from conscience and are considered to point to a reflective moral evaluation. Rawls also wanted to develop an individualist theory of utilitarianism into a humanist and economic utilitarian.³¹ Furthermore, Rawls also mentioned that religion, race, social class descent, and so on are factors that hinder the achievement of social justice. Therefore, a reorganization is needed as an absolute condition to move towards a new ideal society. In this case, John Rawls focuses on the central area of justice:

²⁷ Dominikus Rato, *Filsafat Hukum: Mencari, Menemukan, Dan Memahami Hukum*, Cetakan I (Surabaya: LaksBang Justitia, 2010), 69–77.

²⁸ Budiono Kusumohamidjojo, *Teori Hukum Dilema Antara Hukum Dan Kekuasaan*, 287.

²⁹ Dominikus Rato, *Filsafat Hukum: Mencari, Menemukan, Dan Memahami Hukum*, 77–79.

³⁰ John Rawls, *A Theory of Justice* (London: Oxford University Press, 1971), 62.

³¹ Dominikus Rato, *Filsafat Hukum: Mencari, Menemukan, Dan Memahami Hukum*, 80.

society's basic structure/structure. The basic structure of the community functions to distribute the burden and social benefits of the community.³²

Justice and social justice are intertwined concepts that promote justice and equality but differ in their focus and scope. Justice is a practice that is morally built, applies to every society, and is closer to the social concept. Justice is also an essential aspect of culture that aims to balance the lives of individuals in a country or society and maintain order. Justice involves a fair distribution of resources and equal treatment of individuals, regardless of factors such as caste, color, gender, or religion.³³

Meanwhile, social justice also discusses the process practiced by individuals in society to bring a harmonious and balanced life. In social justice, this is described as a social relationship between humans and ethics regarding how individuals behave or treat others. Thus, the main goal of social justice is the equitable distribution of resources and fair treatment for all individuals, regardless of various social identities.³⁴ Therefore, it can be said that justice deals with individual actions and consequences. In contrast, social justice addresses society's broader problems and structures to ensure justice and equality for all members of society.

b. The Character of Justice in a Democratic State

Democracy is a system of government in which the power to govern comes from those who rule. Democracy can also be referred to as a pattern of government that involves the people in the decision-making process by those given authority so that the will or desire of the people who choose and control it becomes the government's legitimacy.³⁵ Aristotle also said that a government on the side of the common interest is formed based on the principle of strict justice. A democratic state is a community of free people whose rulers serve and work for the benefit of their people.³⁶

Afan Gafar gave a different view by mentioning that democracy is a universal political idea. Some of the elements contained in it are (1) the implementation of power that comes from the people; (2) every office holder elected by the people must be able to account for the wisdom he wants to take; (3) manifested directly or indirectly; (4) the rotation of power must exist and be carried out in an orderly and peaceful manner; (5) the existence of an

³² Dominikus Rato, 82.

³³ Anil Kumar, "Social Justice Through Philosophical Traditions: Outlining The Conceptualisation," *International Journal of Research and Analytical Reviews* 5, no. 3 (2018).

³⁴ Anil Kumar.

³⁵ Dahlan Thalib, *Pancasila Yuridis Ketatanegaraan*, Edisi Revisi (Yogyakarta: UPP AMP YKPN, 1994), 97–98.

³⁶ Reza A. A. Wattimena, "Demokrasi Menurut Aristoteles (Bagian 1)," *Rumah Filsafat* (blog), August 15, 2012, <https://rumahfilsafat.com/2012/08/15/demokrasi-menurut-aristoteles-bagian-1/>.

election process that is carried out regularly to ensure the political rights of the people; and (6) the existence of human rights freedom.³⁷

On the other hand, Merkel³⁸ defines democracy more simply into three parts, namely democracy as a political system, democracy as a means of community participation, and democracy as a means of protecting human rights. As a political system, democracy gains legitimacy from the people through general elections. The highest political power in a democracy is in the hands of the people, so the government must be responsible to its people. Next, as a source of community participation, in democracy, the community actively participates in the political decision-making process. People have the right to be involved in decision-making that affects their lives, whether through elections or other participation mechanisms. And finally, democracy as a protector of human rights is intended to protect human rights to create a healthy democracy.

The definition of democracy that has developed above looks very procedural. A democratic society is formed by public decisions taken according to procedures with a combination of majority power, universal suffrage, and general elections.³⁹ So, justice achieved with democracy that is limited to prioritizing procedures like this is procedural justice only. To realize the highest value in democracy, namely justice, in some cases, it is not a problem to deviate from democratic principles.

The above description shows that the relationship between democracy and justice seems disharmonious. Justice that may be felt appropriate to be realized in this democratic system is solidarity justice⁴⁰. Solidarity justice is based on community solidarity, which involves distributive principles that emphasize equal attention to all members of society. Thus, solidarity justice will bring more inclusive and sustainable justice.

Democracy gives meaning to a government that serves the interests of its people regardless of their participation in the political life of the people, and a strong democracy comes from the will of the people.⁴¹ Democracy without the rule of law will lose its form and direction, while law without democracy will lose its meaning.⁴² A democracy that is not a state of law is not a real

³⁷ Afan Gaffar, *Politik Indonesia: Transisi Menuju Demokrasi* (Yogyakarta: Pustaka Pelajar, 2005), 15.

³⁸ Wolfgang Merkel and Mirko Krück, "Social Justice and Democracy: Investigating the Link," 2004.

³⁹ Philippe Van Parijs, "Justice and Democracy: Are They Incompatible?*" *Journal of Political Philosophy* 4, no. 2 (June 1996): 101–17, <https://doi.org/10.1111/j.1467-9760.1996.tb00044.x>.

⁴⁰ *Philippe Van Parijs*.

⁴¹ Hadi Iskandar, "Demokrasi Deliberatif Dan Ruang Publik Politis," *Jurnal Nanggroe* 4, no. 3 (2016).

⁴² Ridwan HR, *Hukum Administrasi Negara*, Edisi Revisi (Jakarta: Raja Grafindo Persada, 2017), 8.

democracy because democracy is the safest way to maintain control over the rule of law.⁴³

Therefore, democracy and the rule of law have a very close relationship. The relationship between Ridwan HR and the democratic legal state, a legal state run with a democratic system, even if it is traced in its development, is not in line with the concept of a democratic legal state as carried out in the Netherlands.⁴⁴ A democratic state of law is a state in which it accommodates the principles of the state of law and democratic principles. Democracy is a means to achieve justice, which is the highest value in the law.

c. Achieving Social Justice in Indonesian Pancasila Democracy

Democracy has an essential role in assessing justice as the highest value in democracy itself by providing a means for public reasoning, social choices, and an inclusive policy-making process in society.⁴⁵ Everyone has the same opportunity to participate in the political process, express their preferences, and influence existing policies. The active participation of the community in democratic government allows for other considerations from various perspectives, values, and interests to form a collective understanding of proper justice in society. Democracy makes it possible to articulate shared norms and values, protect individual rights, and ensure policies that reflect the needs and wishes of society. Therefore, democracy is a fundamental mechanism for negotiating and determining what is fair and equitable.

If we see the relationship between democracy and justice as quite close, then democracy and social justice are emphasized in the principle of political equality of the community. David Miller⁴⁶ argues that even in a liberal democracy, every member of society must have an equal share of political power. Every individual must have an equal vote in the election of representatives, and the elected representative must broadly reflect the wishes of the society they represent.

The democracy embraced by Indonesia itself is Pancasila Democracy, which is based on the ideology of Pancasila itself. Pancasila democracy itself is based on the goal of prospering the people with elements in it, namely religious awareness, truth, love, noble ethics, Indonesian personality, and sustainability.⁴⁷ Through this Pancasila democracy, the state is organized by

⁴³ Franz Magnis Suseno, *Mencari Sosok Demokrasi, Sebuah Telaah Filosofis* (Jakarta: Gramedia, 1997), 58.

⁴⁴ Ridwan HR, *Hukum Administrasi Negara*, 8.

⁴⁵ Sharath Srinivasan, "No Democracy Without Justice: Political Freedom in Amartya Sen's Capability Approach," *Journal of Human Development* 8, no. 3 (November 2007): 457–80, <https://doi.org/10.1080/14649880701462395>.

⁴⁶ David Miller, "Democracy and Social Justice," *British Journal of Political Science* 8, no. 1 (January 1978): 1–19, <https://doi.org/10.1017/S0007123400001198>.

⁴⁷ Mohammad Hatta, *Karya Lengkap Bung Hatta: Buku I Kebangsaan dan Kerakyatan*, Cet. 1 (Jakarta: Pustaka LP3ES Indonesia, 1998), 87.

the people themselves with the people's consent.⁴⁸ Individual freedom in this Pancasila democracy is not absolute freedom but must be harmonized with social responsibility.⁴⁹ In the end, democratic values combined with the ideals of the Indonesian nation as enshrined in Pancasila are deeply imbued with the spirit of mutual cooperation so that there is no longer the dominance of the majority or minority.⁵⁰

Soekarno⁵¹ himself explained that Indonesian democracy is not only limited to political democracy, but also economic democracy. Pancasila democracy is not a liberal democracy or a western imitation democracy. Liberal democracy is only centered on politics within the parliamentary space. Sukarno himself described Pancasila democracy with the concept of 'Ratu Adil' or *Herucakra* as the antithesis of liberal democracy⁵². This 'Ratu Adil' is not as in Javanese mythology which refers to an attitude of resignation and waiting for a judge, but to be placed as *a Kerygma* or a call to move and organize oneself in the arena of struggle⁵³. This means that to move and fight to defend the independence of the people, they must be in a collective action. Defending independence is not only a state affair but a collective action.

On the other side, Mohamad Sinal⁵⁴ stated that Pancasila democracy is a social democracy that aims to lead to social justice. According to him, it is said to be social democracy because democracy is a vehicle to achieve social justice not only through political parties. Many members of the community have other roles in the community itself to build their welfare.

Social justice as the goal of Pancasila democracy is justice that regulates the reciprocal relationship between the state and its citizens⁵⁵. Social justice aims to organize a society to be balanced and orderly, where all Indonesian citizens get the same opportunity to build a decent community life. To make it happen, at least two parties are involved. *First*, the state is obliged to strive for social harmony for the realization of a just and prosperous society. *Second*, citizens are required to participate in seeking social justice.

Countries that have an obligation to realize social justice are not always realized. Pancasila democracy that is currently realized is only focused on political democracy with a mere rotation of power governments. In fact, it

⁴⁸ Adnan Buyung Nasution, *Demokrasi Konstitusional: Pikiran & Gagasan* (Jakarta: Penerbit Buku Kompas, 2010), 3–4.

⁴⁹ Yudi Latif, *Negara Paripurna: Historisitas, Rasionalitas, dan Aktualitas Pancasila* (Jakarta: Gramedia Pustaka Utama, 2011), 383.

⁵⁰ Yudi Latif, 250.

⁵¹ Lihat pada bagian “Demokrasi-Politik dan Demokrasi-Ekonomi” Soekarno, *Dibawah Bendera Revolusi (Jilid I)* (Jakarta: Yayasan Bung Karno dan Penerbit Media Pressindo, 2019).

⁵² Airlangga Pribadi Kusman, *Merahnya Ajaran Bung Karno: Narasi Pembebasan Ala Indonesia*, Cetakan pertama (Teluk Naga: Penerbit GDN, 2023), 280.

⁵³ Airlangga Pribadi Kusman, 281.

⁵⁴ Mohamad Sinal, *Pancasila: Konsensus Negara-Bangsa Indonesia* (Malang: Madani, 2017), 195.

⁵⁵ Kirdi Dipoyudo, *Keadilan Sosial: Seri Penghayatan Dan Pengamalan Pancasila I* (Jakarta: CV. Rajawali, 1985).

tends to lead to the interests of the majority of election winners without paying attention to the need for peace in this multi-dimensional Indonesian society at large. The struggle of citizens affected by injustice is a balancing tool to realize social justice. If there is no resistance and struggle from the group that suffers from injustice, then injustice will always remain⁵⁶.

On the other hand, when the state has tried to realize social justice but is not supported by its people, social justice will not be realized. The problem that often arises in this regard is not the number of people who have worked hard, but the priority of this social justice is to eliminate structural poverty and structural 'rape'⁵⁷.

The implementation of social justice depends on the creation of social structures in a just society⁵⁸. Striving for social justice is a struggle to improve an unjust social structure. The concept of social justice is the node of all dimensions and aspects of humanity. Social justice applies to all people in all areas of life, both materially and spiritually. Such justice can be realized operationally through the form of the Pancasila legal state.

Arief Hidayat⁵⁹ explained that Indonesia is a country with the basis of Pancasila based on kinship and mutual cooperation so that there is recognition of individual rights or human rights. This means that it still prioritizes the common interest (national interest) above individual interests. The state of Pancasila law seeks to create a harmonious and balanced life by giving the state the possibility to intervene as long as necessary for the creation of a national and state life system based on Pancasila.

Social justice as stated in the 1945 Constitution of the Republic of Indonesia itself carries *the credo of equitarianism*, not the *creed of egalitarianism*⁶⁰. This means that the social facts show that Indonesian society is diverse and different, so in diversity or differences it is necessary to assume equality or same. It is not the other way around that demands a society without differences so that all people are considered the same without exception. Social justice in the framework of Pancasila Democracy and the Pancasila Law State is not based on the teaching to equate something different and does not impose equality to overcome differences⁶¹.

⁵⁶ Franz Magnis Suseno, *Etika Politik: Prinsip-Prinsip Moral Dasar Kenegaraan Modern*, Cet. 2 (Jakarta: Gramedia, 1988).

⁵⁷ Franz Magnis Suseno.

⁵⁸ Purwanto, "Perwujudan Keadilan Dan Keadilan Sosial Dalam Negara Hukum Indonesia: Perjuangan Yang Tidak Mudah Dioperasionalkan," *JURNAL HUKUM MEDIA BHAKTI* 1, no. 1 (February 27, 2020), <https://doi.org/10.32501/jhmb.v1i1.2>.

⁵⁹ Arief Hidayat, "Negara Hukum Berwatak Pancasila" (Makalah, Peningkatan Pemahaman Hak Konstitusional Warga Negara Bagi Asosiasi Dosen Pancasila dan Kewarganegaraan (ADPK) & Asosiasi Profesi Pendidikan Pancasila dan Kewarganegaraan Indonesia (AP3KnI), Bogor, Agustus 2019).

⁶⁰ Purwanto, "PERWUJUDAN KEADILAN DAN KEADILAN SOSIAL DALAM NEGARA HUKUM INDONESIA."

⁶¹ Markus Y. Hage, "Kepentingan Ekonomi Dan Komodifikasi Dalam Hukum" (Disertasi, Semarang, Universitas Diponegoro, 2011).

IV. CONCLUSION

Democracy that is developing today is more aimed at a political system to achieve government power through general elections. So that justice as the highest value that is intended will only be limited to procedural justice. The value of justice that is more appropriate to be achieved in this democratic system is solidarity justice that prioritizes distributive principles with equal attention to all members of society.

Pancasila democracy itself is a way to achieve this goal of independence, namely social justice. Pancasila democracy is not only limited to political democracy, but also economic democracy and social democracy. In Pancasila democracy itself, mutual awareness is needed to achieve social justice itself. A common awareness that this independence is the shared responsibility of all levels of society to protect it from oppression both by other nations and the nation itself.

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